

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 302

Introduced by Senator Yee

February 14, 2011

~~An act to add Chapter 6.4 (commencing with Section 52060) to Part 28 of Division 4 of Title 2 of the Education Code, relating to pupils. An act to add Section 60054 to, and to add and repeal Section 60053 of, the Education Code, relating to instructional materials.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 302, as amended, Yee. ~~Pupils: Comprehensive Pupil Learning Support System. Instructional materials: reviews.~~

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive. Existing law requires the State Board of Education in reviewing and adopting instructional materials to use specified criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the specified criteria, including, but not limited to, compliance with the specified requirements and guidelines for social content.

This bill would require the state board to adopt regulations to govern the social content reviews conducted at the request of a publisher or manufacturer of instructional materials outside the primary instructional material adoption processes. The bill would require the state board to inform the Chairperson of the Assembly Committee on Education, the Chairperson of the Senate Committee on Education, and the Secretary for Education of content that it interprets to be the result of certain changes made to the Texas Administrative Code. The bill would authorize the State Department of Education to contract with agents

to conduct the specified social content reviews and require the department to assess a fee for the review that meets specified requirements, including notice to publishers and manufacturers. The bill would repeal these provisions on January 1, 2017.

This bill would require the state board, upon the next adoption of the history-social science curriculum framework, to ensure that the framework is consistent with specified provisions governing instructional materials. The bill would also require school districts to ensure that the content of instructional materials adopted for use in grades 9 to 12, inclusive, is consistent with specified provisions governing the content of instructional materials, thereby imposing a state-mandated local program.

This bill would also make specified findings and declarations.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law establishes various educational programs for pupils in elementary, middle, and high school that are administered by the State Department of Education.~~

~~This bill would establish the Comprehensive Pupil Learning Support System to provide each pupil with a support system to ensure that each pupil will be a productive and responsible learner and citizen. The bill would require the State Department of Education to administer and implement the program through existing resources that are available to the department for the purposes of the program. The bill would require the department to adopt regulations to implement the program.~~

~~The bill would require each elementary, middle, and high school to develop a school action plan, as specified, based on guidelines to be developed by the State Department of Education. The bill would require each school action plan to, among other things, enhance the capacity of each school to handle transition concerns confronting pupils and their families, enhance home involvement, provide special assistance to pupils and families, and incorporate outreach efforts to the community. The bill would require the department to evaluate the program in accordance with prescribed criteria.~~

By imposing additional duties on school districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The State Board of Education, among its other
- 4 responsibilities, is charged with adopting statewide academic
- 5 content standards in core and other curriculum areas.
- 6 (b) Despite other shortcomings in education funding, California
- 7 has some of the highest academic content standards in the United
- 8 States.
- 9 (c) Section 51204.5 of the Education Code requires instruction
- 10 of social sciences to include the early history of California and a
- 11 study of the role and contributions of both men and women, Black
- 12 Americans, American Indians, Mexicans, Asians, Pacific Island
- 13 people, and other ethnic groups to the economic, political, and
- 14 social development of California and the United States of America,
- 15 with particular emphasis on portraying the role of these groups
- 16 in contemporary society.
- 17 (d) Section 60040 of the Education Code requires the governing
- 18 boards, when adopting instructional materials for use in schools,
- 19 to include only instructional materials that accurately portray the
- 20 cultural and racial diversity of our society, including the
- 21 contributions of both men and women in all types of roles,
- 22 including professional, vocational, and executive roles, as well as
- 23 the role and contributions of Native Americans, African Americans,

1 *Mexican Americans, Asian Americans, European Americans, and*
2 *members of other ethnic and cultural groups to the total*
3 *development of California and the United States, and finally, the*
4 *role and contributions of the entrepreneur and labor in the total*
5 *development of California and the United States.*

6 *(e) Section 60043 of the Education Code requires governing*
7 *boards, when adopting instructional materials for use in schools,*
8 *to require, when appropriate to the comprehension of pupils, that*
9 *textbooks for social science, history, or civics classes contain the*
10 *Declaration of Independence and the Constitution of the United*
11 *States.*

12 *(f) Section 60044 of the Education Code prohibits a governing*
13 *board from adopting instructional materials for use in schools*
14 *that contain any matter reflecting adversely upon persons because*
15 *of their race, color, creed, national origin, ancestry, sex, handicap,*
16 *or occupation, as well as any sectarian or denominational doctrine*
17 *or propaganda contrary to law.*

18 *(g) On March 12, 2010, the Texas State Board of Education,*
19 *which consists of 15 elected members statewide, voted to adopt*
20 *revisions to their social studies curriculum for the 2010–11 school*
21 *year (formally referred to as revisions to Texas Administrative*
22 *Code, Title 19, Chapter 113, Subchapters A-C, and Texas*
23 *Administrative Code, Title 19, Chapter 118, Subchapter A).*

24 *(h) It is widely presumed that the proposed changes to Texas’*
25 *social studies curriculum will have a national impact on textbook*
26 *content because Texas is the second largest purchaser of textbooks*
27 *in the United States, second only to California.*

28 *(i) As proposed, the revisions are a sharp departure from widely*
29 *accepted historical teachings that are driven by an inappropriate*
30 *ideological desire to influence academic content standards for*
31 *children in public schools.*

32 *(j) The proposed changes in Texas, if subsequently reflected in*
33 *textbooks nationwide, pose a serious threat to Sections 51204.5,*
34 *60040, 60041, 60043, and 60044 of the Education Code, as well*
35 *as a threat to the apolitical nature of public school governance*
36 *and academic content standards in California.*

37 *SEC. 2. Section 60053 is added to the Education Code, to read:*

38 *60053. (a) The state board shall adopt regulations to govern*
39 *the social content reviews conducted at the request of a publisher*
40 *or manufacturer of instructional materials outside the primary*

1 *instructional material adoption processes. A social content review*
2 *is intended to determine compliance with Sections 51204.5, 60040,*
3 *60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and*
4 *the guidelines for social content adopted by the state board.*

5 *(b) The state board shall inform the Chairperson of the Assembly*
6 *Committee on Education, the Chairperson of the Senate Committee*
7 *on Education, and the Secretary for Education of content that it*
8 *interprets is the result of changes to the Texas Administrative*
9 *Code, Title 19, Chapter 113, Subchapters A-C, and Texas*
10 *Administrative Code, Title 19, Chapter 118, Subchapter A, that*
11 *were approved on May 21, 2010, once per year during years in*
12 *which social content reviews are conducted pursuant to this*
13 *section.*

14 *(c) (1) For purposes of this section, social content reviews of*
15 *instructional materials shall be conducted by the department or*
16 *its agents for all instructional materials, as defined in subdivision*
17 *(h) of Section 60010.*

18 *(2) The department may contract with agents to conduct social*
19 *content reviews pursuant to this section.*

20 *(d) The department shall assess a fee on a publisher or*
21 *manufacturer in an amount that does not exceed the reasonable*
22 *costs to the department to conduct social content reviews pursuant*
23 *to this section. The publishers and manufacturers shall be provided*
24 *notice of the establishment of the fee.*

25 *(e) Revenue derived from fees charged pursuant to subdivision*
26 *(c) shall be budgeted as reimbursements and subject to review*
27 *through the annual budget process, and may be used to pay costs*
28 *associated with the social content review of instructional materials.*

29 *(f) This section shall remain in effect only until January 1, 2017,*
30 *and as of that date is repealed, unless a later enacted statute, that*
31 *is enacted before January 1, 2017, deletes or extends that date.*

32 *SEC. 3. Section 60054 is added to the Education Code, to read:*

33 *60054. (a) Upon the next adoption of the history-social science*
34 *curriculum framework, the state board shall ensure the framework*
35 *is consistent with provisions governing instructional materials,*
36 *including, but not limited to, Sections 51204.5, 60040, 60041,*
37 *60042, 60043, 60044, 60048, 60200.5, and 60200.6.*

38 *(b) School districts shall ensure that the content of instructional*
39 *materials adopted for use in grades 9 to 12, inclusive, is consistent*
40 *with provisions governing the content of instructional materials,*

1 *including, but not limited to, Sections 51204.5, 60040, 60041,*
2 *60042, 60043, 60044, 60048, 60200.5, and 60200.6.*

3 *SEC. 4. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

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**All matter omitted in this version of the bill
appears in the bill as introduced in the
Senate, February 14, 2011. (JR11)**